



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/049,297 03/27/98 WALKER

J WD2-98-007

022927
WALKER DIGITAL
ONE HIGH RIDGE PARK
STAMFORD CT 06905

LM02/1217

EXAMINER

CAUDLE, P

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

12/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/049,297

Applicant(s)

WALKER ET AL.

Examiner

Penny Caudle

Art Unit

2765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on 26 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13, 14, 33, 34, 56, 57, 80 and 81 is/are allowed.
- 6) ☐ Claim(s) 1-12, 15-32, 35-55, 58-79 and 82-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

Art Unit: 2765

DETAILED ACTION

1. In response to the Amendment filed on October 26, 1999, claims 1, 3, 5, 6, 9, 13, 16, 19, 21, 22, 29, 37, 42, 44, 45, 52, 56, 59, 66, 69, 76, 80, 83, 84, 87 and 89 were amended. Claims 1-89 are pending.

Allowable Subject Matter

2. Claims 13, 14, 33, 34, 56, 57, 80 and 81 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
- As per claims 13, 14, 33, 34, 56 and 57, the specific limitation of the process further accesses a date indicative of the last time said first discount changed, make these claims allowable over prior art.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-12, 15-32, 35-55, 58-79 and 82-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton et al (U.S. 5,687,322).

As per claim 1, Deaton et al disclose an apparatus for determining a discount for a customer of a retail establishment, said apparatus comprising:

Art Unit: 2765

-an input device for generating an identifier signal indicative of a customer's identification, as shown in Figure 2A items 119 and 123a and stated in column 5 lines 12-18, "The system includes one or more transaction terminals, coupled to a transaction processor that stores the customer database...which includes an automatically read customer's identification number, from the point-of-sale (POS) to the transaction processor.";

-a signal processing system responsive to said identifier signal, and having memory for storing signals including program signals defining an executable process calculating a second discount based on a predefined time period from signal stored in said memory indicative of a date of a last visit of the customer to the retail establishment and a first discount, as stated in column 73 lines 9-12, "Alternatively, an electronic incentive could be stored in the processor for use in conjunction with the user's identification such that credit can be automatically given at the subsequent purchase times." and lines 17-25 "...such as zero visits in a certain time period as compared to multiple visits to the store in a certain time period...The present system may also be used to lay out future coupons such that incentives are decreased or increased in order to maintain certain required levels of spending."

Deaton et al fails to explicitly disclose retrieving from memory a first discount awarded to the customer. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not. (col. 73 lines 24-30). Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or

Art Unit: 2765

previous discount earned by the customer in order to provide the base discount from which to increase or decrease future discounts.

As per claims 9 and 10 , Deaton et al disclose an apparatus for determining a discount for a customer of a retail establishment, said apparatus comprising:

-an input device for generating an identifier signal indicative of a customer's identification, as shown in Figure 2A items 119 and 123a and stated in column 5 lines 12-18, "The system includes one or more transaction terminals, coupled to a transaction processor that stores the customer database...which includes an automatically read customer's identification number, from the point-of-sale (POS) to the transaction processor.";

-a signal processing system responsive to said identifier signal, and having memory for storing signals including program signals defining an executable process calculating a second discount based on a predefined time period from signal stored in said memory indicative of a date of a last visit of the customer to the retail establishment and a first discount, as stated in column 73 lines 9-12, "Alternatively, an electronic incentive could be stored in the processor for use in conjunction with the user's identification such that credit can be automatically given at the subsequent purchase times." and lines 17-25 "...such as zero visits in a certain time period as compared to multiple visits to the store in a certain time period...The present system may also be used to lay out future coupons such that incentives are decreased or increased in order to maintain certain required levels of spending."

Deaton et al fails to explicitly disclose retrieving from memory a first discount awarded to the customer or that said process updates said date of last visit of the customer with a date of a

Art Unit: 2765

present visit of the customer to the retail establishment and to update said first discount with said second discount. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not(col. 73 lines 24-30). In addition Deaton et al discloses that the predefined criteria may be the date of a subsequent visit/ Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or previous discount earned by the customer and the date of the customer's last visit in order to provide the base discount from which to increase or decrease future discounts.

As per claims 16 and 19, Deaton et al disclose an apparatus for determining a discount for a customer, comprising:

- an input device for generating an identifier signal indicative of a first conditional discount and a first date indicative of an expiration date of said first conditional discount, as shown in Figure 2A items 119 and 123a and stated in column 5 lines 12-18, "The system includes one or more transaction terminals, coupled to a transaction processor that stores the customer database...which includes an automatically read customer's identification number, from the point-of-sale (POS) to the transaction processor." and in column 103 lines 30-35, "An incentive is provided to increase customer purchases, the system monitors and records that incentive in the customer history file, then the systems monitors and records the response.";

- a signal processing system, responsive to said identifier signal, and having memory for storing signals including program signals defining an executable process for calculating a first

Art Unit: 2765

earned discount based on a pre-defined time period from signals stored in said memory indicative of said first conditional discount and said first date, for calculating a second conditional discount by increasing said first earned discount by a pre-defined value, and for generating a second identifier indicative of said second conditional discount and a second date indicative of an expiration of said second conditional discount, as stated in column 103 lines 30-35, "An incentive is provided to increase customer purchases, the system monitors and records that incentive in the customer history file, then the systems monitors and records the response," in column 103 lines 33-38, "If the customer meets that response criteria...the store can maintain the incentive awhile and then choose to increase it..." and in column 103 lines 40-41, "The coupon increase can be organized in successive layers. A new incentive can be issued...". Deaton et al fails to explicitly disclose storing a first earned discount. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not. (col. 73 lines 24-30). Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or previous discount earned by the customer in order to provide the base discount from which to increase or decrease future discounts.

As per claims 22, 45 and 69, Deaton et al disclose system/method for determining a discount for a customer of a retail establishment, comprising:

Art Unit: 2765

-receiving an identifier representative of the customer, as stated in column 5 lines 12-18, "The system includes one or more transaction terminals, coupled to a transaction processor that stores the customer database...which includes an automatically read customer's identification number, from the point-of-sale (POS) to the transaction processor.";

-accessing data, in response to said identifier, from memory relating to the customer, a date of a last visit of a customer to the retail establishment, and a first discount, as stated in column 1 lines 58-63, "...a method and system for processing and developing a customer database of customer information, such as credit verification status and transaction frequency, and dollar volume over specified intervals, that can be used for...targeted customer marketing...";

-determining a second discount based on said first discount and a relationship of said date of said last visit of the customer and a pre-defined time period, as stated in column 73 lines 9-12, "Alternatively, an electronic incentive could be stored in the processor for use in conjunction with the user's identification such that credit can be automatically given at the subsequent purchase times." and lines 17-25 "...such as zero visits in a certain time period as compared to multiple visits to the store in a certain time period...The present system may also be used to lay out future coupons such that incentives are decreased or increased in order to maintain certain required levels of spending.".

Deaton et al fails to explicitly disclose retrieving from memory a first discount awarded to the customer. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not. (col. 73 lines 24-30). Therefore it would have been obvious to one

Art Unit: 2765

of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or previous discount earned by the customer in order to provide the base discount from which to increase or decrease future discounts.

As per claims 29, 30, 33, 34, 52, 53, 76 and 77, Deaton et al disclose system/method for determining a discount for a customer of a retail establishment, comprising:

- receiving an identifier representative of the customer, as stated in column 5 lines 12-18, "The system includes one or more transaction terminals, coupled to a transaction processor that stores the customer database...which includes an automatically read customer's identification number, from the point-of-sale (POS) to the transaction processor.";

- accessing data, in response to said identifier, from memory relating to the customer, a date of a last visit of a customer to the retail establishment, and a first discount, as stated in column 1 lines 58-63, "...a method and system for processing and developing a customer database of customer information, such as credit verification status and transaction frequency, and dollar volume over specified intervals, that can be used for...targeted customer marketing...";

- determining a second discount based on said first discount and a relationship of said date of said last visit of the customer and a pre-defined time period, as stated in column 73 lines 9-12, "Alternatively, an electronic incentive could be stored in the processor for use in conjunction with the user's identification such that credit can be automatically given at the subsequent purchase times." and lines 17-25 "...such as zero visits in a certain time period as compared to multiple visits to the store in a certain time period...The present system may also be used to lay

Art Unit: 2765

out future coupons such that incentives are decreased or increased in order to maintain certain required levels of spending.”.

Deaton et al fails to explicitly disclose retrieving from memory a first discount awarded to the customer or that said process updates said date of last visit of the customer with a date of a present visit of the customer to the retail establishment and to update said first discount with said second discount. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not(col. 73 lines 24-30). In addition Deaton et al discloses that the predefined criteria may be the date of a subsequent visit/ Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or previous discount earned by the customer and the date of the customer’s last visit in order to provide the base discount from which to increase or decrease future discounts.

As per claims 39, 42, 63, 66, 84 and 87, Deaton et al discloses a system/method for determining a discount for a customer, comprising:

-receiving a first identifier indicative of a first conditional discount and a first date representative of the expiration of said first conditional discount, as stated in column 103 lines 30-35, “An incentive is provided to increase customer purchases, the system monitors and records that incentive in the customer history file, then the systems monitors and records the response.”;

Art Unit: 2765

-determining a first earned discount in accordance with said first conditional discount and said first date occurring within a pre-defined time period, as stated in column 103 lines 30-35, "An incentive is provided to increase customer purchases, the system monitors and records that incentive in the customer history file, then the systems monitors and records the response.";

-determining a second conditional discount by increasing said first earned discount by a pre-defined value, as stated in column 103 lines 33-38, "If the customer meets that response criteria...the store can maintain the incentive a while and then choose to increase it...";

-generating a second identifier indicative of said second conditional discount and a second date representative of the expiration of said conditional discount, as stated in column 103 lines 40-41, "The coupon increase can be organized in successive layers. A new incentive can be issued...".

Deaton et al fails to explicitly disclose storing a first earned discount. Deaton et al do disclose increasing or decreasing a previous discount based on predefined criteria and tracking the performance of the customer to determine which coupons are redeemed and which are not. (col. 73 lines 24-30). Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Deaton et al with the addition of storing and receiving to and from the database the first or previous discount earned by the customer in order to provide the base discount from which to increase or decrease future discounts.

Art Unit: 2765

As per claims 2-8, 11, 12, 15, 17, 18, 21, 23, 25-32, 35-38, 40, 41, 44, 46, 48-51, 54, 55, 58, 59, 60-62, 64, 65, 68, 70, 72-78, 79, 82, 83, 85, 86 and 89, Deaton et al disclose all the limitations set forth in these claims as discussed in paragraph 9 of paper number 4.

As per claims 20, 24, 43, 47, 67, 71 and 88, Deaton et al disclose all the limitations set forth in these claims as discussed in paragraph 11 of paper number 4.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Penny Caudle whose telephone number is (703) 305-0756. The examiner can normally be reached Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

plc

December 6, 1999


ERIC W. STAMBER
PRIMARY EXAMINER